

**REORGANIZED CALIFORNIA RULES OF COURT
APPROVED BY THE JUDICIAL COUNCIL, EFFECTIVE 1/01/07**

TITLE 1

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INTRODUCTORY STATEMENT

~~The Judicial Council is established under article VI, section 6, of the Constitution of California, and is given various powers and responsibilities to improve the administration of justice.~~

~~**Judicial Council rules, standards, and orders**~~

~~Unless otherwise indicated, each rule in these California Rules of Court was adopted by the Judicial Council under its constitutional authority to “adopt rules for court administration, practice and procedure not inconsistent with statute,” or under express authority granted by the Legislature.~~

~~Throughout the rules, “shall” and “must” are mandatory, “may” is permissive, and “should” indicates a nonbinding recommendation. “Will” indicates a future contingency or predicts action by a court or judicial officer in the ordinary course of events, but does not signify a mandatory duty. Whenever “must” is used in a new rule or an amendment to a rule with an effective date on or after January 1, 2001, it is synonymous with “shall” as used in the rules before that date.~~

~~All of the California Rules of Court have the force of law.~~

~~Under its authority granted by article VI, section 6, of the Constitution to “make recommendations to the courts,” the Judicial Council has adopted “Standards of Judicial Administration Recommended by the Judicial Council” (“standards”). They are published in Division I of the Appendix to the California Rules of Court. The nonmandatory nature of the standards is indicated by the use of “should” instead of the mandatory “shall” or “must.”~~

~~Standards make recommendations on practice and procedure, express goals that courts and judges are urged to try to attain, and state guidelines for discretionary action. Even though courts are not obligated to comply with these recommendations, goals, and guidelines, courts should consider them as highly desirable standards of good practice.~~

~~A standard might also be found by a court to state the proper boundaries of judicial discretion.~~

~~The Judicial Council sometimes disposes of matters within its jurisdiction by orders that are not incorporated into the rules; for example, it might name the counties to participate in a pilot project by order.~~

~~The Chief Justice, as Chair of the Judicial Council, is given certain express powers by article VI, section 6, and by statute. For example, article VI, section 6, authorizes the Chief Justice to prescribe the reports courts make to the Judicial Council. This is done by regulations, which have the force of law.~~

~~This Introductory Statement is intended to clarify the usual meaning and intent of rules, standards, and orders, and to distinguish among them. It is not intended to be exhaustive or exclusive, and the distinctions expressed here do not bind the Judicial Council in the future.~~

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Judicial Council forms

~~The Judicial Council adopts and approves legal forms used in the courts. Under Government Code section 68511, the council may prescribe certain forms. The council “adopts” those forms, and use of those forms is mandatory (rule 201.1(b)(1)). The council may also “approve” forms. Use of an approved form is not mandatory, but the form must be accepted by all courts in appropriate cases (rule 201.1(c)(1)). Forms thus are adopted for mandatory use and approved for optional use. The lower left corner of the first page of each form indicates whether the form is mandatory or optional. A form adopted or approved by the council is not subject to the requirements of rule 201, which specifies the format of papers filed in the trial courts. A party may file a “duplicate” of a council form produced entirely by computer (rule 201.1(h), (i)).~~

Title 1. Rules Applicable to All Courts

Chapter 1. Preliminary Rules

Rule 1.1. The California Rules of Court

These rules are entitled the California Rules of Court.

Rule 1.2. Title

The rules in this title of the California Rules of Court may be referred to as the Rules Applicable to All Courts.

Rule 1.3. Authority

The rules in the California Rules of Court are adopted by the Judicial Council of California under the authority of article VI, section 6, of the Constitution of the State of California, unless otherwise indicated. The rules in division 5 of title 8 and in title 9, and the Code of Judicial Ethics, were adopted by the Supreme Court.

Rule 1.4 Contents of the rules

(a) The titles

The California Rules of Court includes the following titles:

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(1) Title 1. Rules Applicable to All Courts;

(2) Title 2. Trial Court Rules;

(3) Title 3. Civil Rules;

(4) Title 4. Criminal Rules;

(5) Title 5. Family and Juvenile Rules;

(6) Title 6. [Reserved];

(7) Title 7. Probate Rules;

(8) Title 8. Appellate Rules;

(9) Title 9. Rules Relating on Law Practice, Attorneys, and Judges; and

(10) Title 10. Judicial Administration Rules.

(b) Standards of Judicial Administration

The California Rules of Court includes the Standards of Judicial Administration adopted by the Judicial Council.

(c) Code of Judicial Ethics

The California Rules of Court includes the Code of Judicial Ethics adopted by the Supreme Court.

(d) Ethics Standards for Neutral Arbitrators in Contractual Arbitrations

The California Rules of Court includes Ethics Standards for Neutral Arbitrators in Contractual Arbitrations adopted by the Judicial Council under the authority of Code of Civil Procedure section 1281.85.

(e) The appendixes

The California Rules of Court includes the following appendixes:

(1) Appendix A. Judicial Council Legal Forms List;

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(2) Appendix B. Liability Limits of a Parent or Guardian Having Custody and Control of a Minor for the Torts of a Minor; and

(3) Appendix C. Guidelines for the Operation of Family Law Information Centers and Family Law Facilitator Offices.

Rule 1.5. Construction of rules and standards

(a) Construction

The rules and standards of the California Rules of Court must be liberally construed to ensure the just and speedy determination of the proceedings that they govern.

(b) Terminology

As used in the rules and standards:

(1) “Must” is mandatory;

(2) “May” is permissive;

(3) “May not” means not permitted to;

(4) “Will” expresses a future contingency or predicts action by a court or person in the ordinary course of events, but does not signify a mandatory duty; and

(5) “Should” expresses a preference or a nonbinding recommendation.

(c) Standards

Standards are guidelines or goals recommended by the Judicial Council. The nonbinding nature of standards is indicated by the use of “should” in the standards instead of the mandatory “must” used in the rules.

(d) Construction of additional terms

In the rules:

(1) Each tense (past, present, or future) includes the others;

(2) Each gender (masculine, feminine, or neuter) includes the others; and

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- (3) Each number (singular or plural) includes the other.

Rule 1.6.200.1. Definitions and use of terms

As used in ~~this title~~ the California Rules of Court, unless the context or subject matter otherwise requires:

- (1) “Action” includes special proceeding.

- ~~(1)(2)~~ “Case” includes action or proceeding.

- (3) “Civil case” means a case prosecuted by one party against another for the declaration, enforcement, or protection of a right or the redress or prevention of a wrong. Civil cases include all cases except criminal cases and petitions for habeas corpus.

- ~~(2)(4)~~ “General civil case” means all civil cases except probate, guardianship, conservatorship, juvenile, and family law proceedings (including proceedings under divisions 6–9 of the Family Law Act Code, Uniform Parentage Act, and Uniform Child Custody Jurisdiction Act; Domestic Violence Prevention Act, and Uniform Interstate Family Support Act; freedom from parental custody and control proceedings; and adoption proceedings), juvenile court proceedings, small claims proceedings, unlawful detainer proceedings, and “other civil petitions” as defined by the Judicial Branch Statistical Information Data Collection Standards described in (5).

- (5) “Civil petitions” that are not general civil cases include petitions to prevent civil harassment, elder abuse, and workplace violence; petitions for name change; election contest petitions; and petitions for relief from late claims.

- ~~(3)(6)~~ The definitions of “Unlimited civil cases” and “limited civil cases” are, for the purposes of these rules, the definitions contained defined in Code of Civil Procedure section 85 et seq.

- (7) “Criminal case” means a proceeding by which a party charged with a public offense is accused and prosecuted for the offense.

- (8) “Rule” means a rule of the California Rules of Court.

- ~~(4)~~ “Court” means the trial court.

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- 1
2 ~~(5)~~(9) “Local rule” means every rule, regulation, order, policy, form, or
3 standard of general application adopted by a court to govern practice
4 and procedure in that court or by a judge of the court to govern
5 practice or procedure in that judge’s courtroom.
6
7 (10) “Chief Justice” and “presiding justice” include the Acting Chief Justice
8 and the acting presiding justice, respectively.
9
10 (11) “Presiding judge” includes the acting presiding judge or the judicial
11 officer designated by the presiding judge.
12
13 ~~(6)~~(12) “Judge” includes, as applicable, a judge of the superior court, a
14 commissioner, or a temporary judge.
15
16 (7) ~~“Presiding judge” includes the acting presiding judge.~~
17
18 (13) “Temporary judge” means an active or inactive member of the State
19 Bar of California who, under article VI, section 21 of the California
20 Constitution and these rules, serves or expects to serve as a judge once,
21 sporadically, or regularly on a part-time basis under a separate court
22 appointment for each period of service or each case heard.
23
24 (14) “Person” includes a corporation or other legal entity as well as a natural
25 person.
26
27 ~~(8)~~(15) “Party” is a person appearing in an action. A party may be self-
28 represented or represented by an attorney of record. “Party,”
29 “plaintiff,” “People of the State of California,” “applicant,”
30 “petitioner,” “defendant,” “respondent,” “other parent,” or any other
31 designation of a party includes such the party’s attorney of record.
32
33 (16) “Attorney” means a member of the State Bar of California.
34
35 (17) “Counsel” means an attorney.
36
37 (18) “Sheriff” includes marshal.
38
39 ~~(9)~~(19) “Service:” means service in the manner prescribed by a statute or
40 rule. Whenever under these rules a notice or other paper is required
41 to be served on or given to a party, such service or notice must be
42 made on the party’s attorney of record if there is one.
43

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- (10) ~~The words “serve and file” mean that a paper filed in a court must be accompanied by proof of prior service, in a manner permitted by law, of a copy of the paper on each party.~~
- (11) ~~The terms “written,” “writing,” “typewritten,” and “typewriting” include other methods equivalent in legibility to typewriting.~~
- (20) “Memorandum” means a written document containing: a statement of facts; a concise statement of the law, evidence, and arguments relied on; and a discussion of the statutes, cases, rules, and other legal sources relied on in support of the position advanced.
- (21) “Declaration” includes “affidavit.”
- (22) “Recycled” as applied to paper means “recycled paper product” as defined by section 42202 of the Public Resources Code.
- (23) “California Courts Web Site” means the Web site established by the Judicial Council that includes news and information, reference materials, rules and forms, and a self-help center. The address is: www.courtinfo.ca.gov.

Chapter 2. Timing and Holidays

Rule 1.10.~~200.3~~. Time for actions

(a) Computation of time

The time in which any act provided by these rules is to be ~~done~~ performed is computed by excluding the first day, and including the last, unless the last day is a Saturday, Sunday, or other legal holiday, and then it is also excluded.

(b) Holidays

Unless otherwise provided by law, if the last day for the performance of any act that is required by these rules to be performed within a specific period of time falls on a Saturday, Sunday, or other legal holiday, then the period is extended to and includes the next day that is not a holiday.

(c) Extending or shortening time

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Unless otherwise provided by law, the court may extend or shorten the time by within which a party must perform any act under these rules.

Rule 1.11.987. Holiday falling on a Saturday or Sunday

When a judicial holiday specified by Code of Civil Procedure section 135 falls on a Saturday, the courts must observe the holiday on the preceding Friday. When a judicial holiday specified by Code of Civil Procedure section 135 falls on a Sunday, the courts ~~shall~~ must observe the holiday on the following Monday. ~~When a judicial holiday specified by Code of Civil Procedure section 135 falls on a Saturday, the courts shall observe the holiday on the preceding Friday.~~

Chapter 3. Service and Filing

Rule 1.20 Filing

Unless otherwise provided, a document is deemed filed on the date it is received by the court clerk.

Rule 1.21. Service

(a) Service on a party or attorney

Whenever a notice or other paper is required to be served on or given to a party, the service or notice must be made on the party's attorney if there is one.

(b) Proof of service

As used in these rules, "serve and file" means that a document filed in a court must be accompanied by a proof of service, in a manner permitted by law, of one copy of the document on the attorney for each party separately represented and on each self-represented party.

Rule 1.22. Recycled paper

(a) Use of recycled paper required

Recycled paper, as defined in rule 1.6, must be used for all original papers filed with the trial and appellate courts and for all copies of papers, documents, and exhibits, whether filed with the courts or served on other parties.

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(b) Certification

Whenever the use of recycled paper is required by these rules, the attorney, party, or other person filing or serving a document certifies, by the act of filing or service, that the document was produced on paper purchased as recycled.

Chapter 4. Judicial Council Forms

Rule ~~1.30.201.1~~ 1.30.201.1. Judicial Council forms

(a) Application

The rules in this chapter apply to Judicial Council forms.

(b) Mandatory or optional forms

Judicial Council forms are either mandatory or optional.

(b) [Mandatory forms]

- ~~(1) Forms adopted by the Judicial Council for mandatory use are forms prescribed under Government Code section 68511. Wherever applicable, they must be used by all parties and must be accepted for filing by all the courts.~~
- ~~(2) Each mandatory Judicial Council form is identified as mandatory by an asterisk (*) on the list of Judicial Council forms in division III of the Appendix to the California Rules of Court. The list is available on the California Courts Web site at www.courtinfo.ca.gov/forms.~~
- ~~(3) Forms adopted by the Judicial Council for mandatory use bear the words "Form Adopted for Mandatory Use" or "Mandatory Form" in the lower left corner of the first page.~~
- ~~(4) Publishers and courts reprinting a mandatory Judicial Council form in effect before July 1, 1999, must add the words "Mandatory Form" to the bottom of the first page.~~
- ~~(5) The court may not alter a mandatory Judicial Council form and require the altered form's use in place of the Judicial Council form.~~

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~~(6) The court may not require that any mandatory Judicial Council form be submitted on any color paper other than white.~~

~~(7) An otherwise legally sufficient court order for which there is a mandatory Judicial Council form is not invalid or unenforceable because the order is not prepared on a Judicial Council form or the correct Judicial Council form.~~

(e) [Optional forms]

~~(1) Forms approved by the Judicial Council for optional use, wherever applicable, may be used by parties and must be accepted for filing by all the courts.~~

~~(2) Each optional Judicial Council form appears, without an asterisk (*), on the list of Judicial Council forms in division III of the Appendix to the California Rules of Court. The list is available on the California Courts Web site at www.courtinfo.ca.gov/forms.~~

~~(3) Forms approved by the Judicial Council for optional use bear the words "Form Approved for Optional Use" or "Optional Form" in the lower left corner of the first page.~~

~~(4) Publishers and courts reprinting an optional Judicial Council form in effect before July 1, 1999, must add the words "Optional Form" to the bottom of the first page.~~

~~(5) The court may not alter an optional Judicial Council form and require the altered form's use in place of the Judicial Council form.~~

~~(6) The court may not require that any optional Judicial Council form be submitted on any color paper other than white.~~

(d) [Statutory references on the forms]

~~The references to statutes and rules in the lower right corner of Judicial Council forms are advisory only. The presence or absence of a particular reference is not a grounds for rejecting a form otherwise applicable in the action or proceeding for the purpose presented.~~

(e) [Proofs of service]

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~~Proofs of service are included on some Judicial Council forms solely for the convenience of the parties. A party may use an included proof of service or any other proper proof of service.~~

(f) ~~[Matter added by the courts or others]~~

~~A court must not reject for filing a Judicial Council form for any of the following reasons:~~

- ~~(1) The form lacks the preprinted title and address of the court or the clerk's preprinted name;~~
- ~~(2) The form is printed by a publisher or another court;~~
- ~~(3) The preprinted title and address of another court or its clerk's name is legibly modified;~~
- ~~(4) The form lacks the name of the clerk;~~
- ~~(5) The form lacks the court's local form number;~~
- ~~(6) The form lacks any other material added by a court, unless the material is required by the Judicial Council;~~
- ~~(7) The form is imprinted with the name or symbol of the publisher, unless the name or symbol replaces or obscures any material on the printed form; or~~
- ~~(8) The form is legibly and obviously modified to correct a code section number or to comply with the law under which the form is filed.~~

(g) ~~[Multiple-page forms]~~

~~If a Judicial Council form is longer than one page, the form may be filed on sheets printed on only one side even if the original form has two printed sides to a sheet. If a form is filed on a sheet printed on two sides, the reverse side must be rotated 180 degrees (printed head to foot).~~

(h) ~~[Legibility]~~

~~Any Judicial Council form filed must be a true copy of the original form and must be as legible as a printed form.~~

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~~(i) [Electronically produced forms]~~

~~A party or attorney may file a duplicate of a Judicial Council form produced by a computer and a printer or similar device with a resolution of at least 300 dots per inch. The device must print, in a contrasting typestyle equivalent to that produced by a typewriter, text that otherwise would have been entered by a typewriter or word processor.~~

~~(j) [True copy certified]~~

~~A party or attorney who files a Judicial Council form certifies by filing the form that it is a true and correct copy of the form.~~

~~(k) [Use of recycled paper]~~

~~All forms and copies of forms filed with the court must use recycled paper as defined in rule 201(a)(2).~~

~~(l) [Hole punching]~~

~~All forms presented for filing must be firmly bound at the top and must contain two pre-punched normal sized holes, centered 2½ inches apart and 5/8 inch from the top of the form.~~

Rule 1.31. Mandatory forms

(a) Use of mandatory forms and acceptance for filing

Forms adopted by the Judicial Council for mandatory use are forms prescribed under Government Code section 68511. Wherever applicable, they must be used by all parties and must be accepted for filing by all courts. In some areas, alternative mandatory forms have been adopted.

(b) List of mandatory forms

Each mandatory Judicial Council form is identified as mandatory by an asterisk (*) on the list of Judicial Council forms in Appendix A to the California Rules of Court. The list is available on the California Courts Web site at www.courtinfo.ca.gov/forms.

(c) Identification of mandatory forms

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Forms adopted by the Judicial Council for mandatory use bear the words “Form Adopted for Mandatory Use,” “Mandatory Form,” or “Form Adopted for Alternative Mandatory Use” in the lower left corner of the first page.

(d) Words on forms

Publishers and courts reprinting a mandatory Judicial Council form in effect before July 1, 1999, must add the words “Mandatory Form” to the bottom of the first page.

(e) No alteration of forms

Courts may not alter a mandatory Judicial Council form and require the altered form’s use in place of the Judicial Council form.

(f) No colored forms

Courts may not require that any mandatory Judicial Council form be submitted on any color of paper other than white.

(g) Orders not on mandatory forms

An otherwise legally sufficient court order for which there is a mandatory Judicial Council form is not invalid or unenforceable because the order is not prepared on a Judicial Council form or the correct Judicial Council form.

Rule 1.35. Optional forms

(a) Use of optional forms and acceptance for filing

Forms approved by the Judicial Council for optional use, wherever applicable, may be used by parties and must be accepted for filing by all courts.

(b) List of optional forms

Each optional Judicial Council form appears without an asterisk (*) on the list of Judicial Council forms in Appendix A to the California Rules of Court. The list is available on the California Courts Web site at www.courtinfo.ca.gov/forms.

(c) Identification of optional forms

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Forms approved by the Judicial Council for optional use bear the words “Form Approved for Optional Use” or “Optional Form” in the lower left corner of the first page.

(d) Words on forms

Publishers and courts reprinting an optional Judicial Council form in effect before July 1, 1999, must add the words “Optional Form” to the bottom of the first page.

(e) No alteration of forms

Courts may not alter an optional Judicial Council form and require the altered form’s use in place of the Judicial Council form.

(f) No colored forms

Courts may not require that any optional Judicial Council form be submitted on any color of paper other than white.

Rule 1.40. Statutory references on forms

The references to statutes and rules at the bottom of Judicial Council forms are advisory only. The presence or absence of a particular reference is not a ground for rejecting a form otherwise applicable in the action or proceeding for the purpose presented.

Rule 1.41. Proofs of service on forms

Proofs of service are included on some Judicial Council forms solely for the convenience of the parties. A party may use an included proof of service or any other proper proof of service.

Rule 1.42. Forms not to be rejected

A court must not reject for filing a Judicial Council form for any of the following reasons:

- (1) The form lacks the preprinted title and address of the court;
- (2) The form lacks the name of the clerk;

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- 1 (3) The preprinted title and address of another court or its clerk’s name is legibly
2 modified;
3
4 (4) The form lacks the court’s local form number;
5
6 (5) The form lacks any other material added by a court, unless the material is
7 required by the Judicial Council;
8
9 (6) The form is printed by a publisher or another court;
10
11 (7) The form is imprinted with the name or symbol of the publisher, unless the
12 name or symbol replaces or obscures any material on the printed form; or
13
14 (8) The form is legibly and obviously modified to correct a code section number
15 or to comply with the law under which the form is filed.
16

17 **Rule 1.43. Legibility**
18

19 A Judicial Council form filed must be a true copy of the original form and must be
20 as legible as a printed form.
21

22 **Rule 1.44. Electronically produced forms**
23

24 A party or attorney may file a duplicate of a Judicial Council form produced by a
25 computer and a printer or similar device with a resolution of at least 300 dots per
26 inch.
27

28 **Rule 1.45.201.2. Judicial Council pleading forms**
29

30 **(a) Pleading forms**
31

32 The forms listed under the “Pleading” heading on the list of Judicial Council
33 forms in ~~division III of the~~ Appendix A to the California Rules of Court
34 (forms 982.1(1)–982.1(95)) are approved by the Judicial Council ~~as required~~
35 ~~by Code of Civil Procedure section 425.12.~~
36

37 **(b) Cause of action forms**
38

39 Any approved cause of action form may be attached to any approved form of
40 complaint or cross-complaint.
41

42 **(c) Other causes of action**
43

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A cause of action for which no form has been approved may be prepared in the format prescribed by ~~rule 201~~ the rules in chapter 1 of division 2 of title 2 and attached to any approved form of complaint or cross-complaint. Each paragraph within a cause of action must be numbered consecutively beginning with one. Each paragraph number must be preceded with one or more identifying letters derived from the title of the cause of action.

Chapter 5. Accommodations

Rule 1.100.989.3. Requests for accommodations by persons with disabilities

(a) Policy

~~It is the policy of the courts of this state to ensure that persons with disabilities have equal and full access to the judicial system. To ensure access to the courts for persons with disabilities, each superior and appellate court must delegate at least one person to be the ADA coordinator, also known as the access coordinator, or designee to address requests for accommodations. This rule is not intended to impose limitations or to invalidate the remedies, rights, and procedures accorded to persons with disabilities under state or federal law.~~

~~(b)~~ (a) Definitions

~~The following definitions apply~~ As used under in this rule:

- (1) “Persons with disabilities” means individuals covered by California Civil Code section 51 et seq.; the Americans With Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); or other applicable state and federal laws. This definition includes persons who have a physical or mental impairment that limits one or more of the major life activities, have a record of such an impairment, or are regarded as having such an impairment.
- (2) “Applicant” means any lawyer, party, witness, juror, or other person with an interest in attending any proceeding before any court of this state.
- (3) “Accommodations” means actions that result in court services, programs, or activities being readily accessible to and usable by persons with disabilities. Accommodations may include, ~~but are not limited to,~~ making reasonable modifications in policies, practices, and procedures; furnishing, at no charge, to persons with disabilities,

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auxiliary aids and services, equipment, devices, materials in alternative formats, readers, or certified interpreters for persons with hearing impairments; relocating services or programs to accessible facilities; or providing services at alternative sites. Although not required where other actions are effective in providing access to court services, programs, or activities, alteration of existing facilities by the responsible entity may be an accommodation.

~~(4) "Rule" means this rule regarding requests for accommodations in state courts by persons with disabilities.~~

(b) Policy

It is the policy of the courts of this state to ensure that persons with disabilities have equal and full access to the judicial system. To ensure access to the courts for persons with disabilities, each superior and appellate court must delegate at least one person to be the ADA coordinator, also known as the access coordinator, or designee to address requests for accommodations. This rule is not intended to impose limitations or to invalidate the remedies, rights, and procedures accorded to persons with disabilities under state or federal law.

(c) Process for requesting accommodations

The following process for requesting accommodations is established as follows:

- (1) Requests for accommodations under this rule may be presented ex parte on a form approved by the Judicial Council, in another written format, or orally. Requests must be forwarded to the ADA coordinator, also known as the access coordinator, or designee, within the time frame provided in ~~subdivision~~ (c)(3).
- (2) Requests for accommodations must include a description of the accommodation sought, along with a statement of the impairment that necessitates ~~such~~ the accommodation. The court, in its discretion, may require the applicant to provide additional information about the impairment.
- (3) Requests for accommodations must be made as far in advance as possible, and in any event must be made no fewer than ~~five~~ 5 court days before the requested implementation date. The court may, in its discretion, waive this requirement.

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- 1
2 (4) The court must keep confidential all information of the applicant
3 concerning the request for accommodation, unless confidentiality is
4 waived in writing by the applicant or disclosure is required by law.
5 The applicant's identity and confidential information may not be
6 disclosed to the public or to persons other than those involved in the
7 accommodation process. Confidential information includes all medical
8 information pertaining to the applicant, and all oral or written
9 communication from the applicant concerning the request for
10 accommodation.

11
12 **(d) Permitted communication**

13
14 Communications under this rule must address only the accommodation
15 requested by the applicant and must not address, in any manner, the subject
16 matter or merits of the proceedings before the court.

17
18 **(e) Response to accommodation request**

19
20 A The court must respond to a request for accommodation as follows:

- 21
22 (1) The court must consider, but is not limited by, California Civil Code
23 section 51 et seq., the provisions of the Americans With Disabilities
24 Act of 1990, and other applicable state and federal laws in determining
25 whether to provide an accommodation or an appropriate alternative
26 accommodation.
27
28 (2) The court must inform the applicant in writing, as may be appropriate,
29 and if applicable, in an alternative format, of the following:
30
31 ~~(a)~~(A) That the request for accommodation is granted or denied, in
32 whole or in part, and if the request for accommodation is
33 denied, the reason therefor; or that an alternative
34 accommodation is granted;
35
36 ~~(b)~~(B) The nature of the accommodation to be provided, if any; and
37
38 ~~(c)~~(C) The duration of the accommodation to be provided.
39

40 **(f) Denial of accommodation request**

41
42 A request for accommodation may be denied only when the court determines
43 that:

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- 1
- 2 (1) The applicant has failed to satisfy the requirements of this rule; or
- 3
- 4 (2) The requested accommodation would create an undue financial or
- 5 administrative burden on the court; or
- 6
- 7 (3) The requested accommodation would fundamentally alter the nature of
- 8 the service, program, or activity.
- 9

10 **(g) Review procedure**

11

- 12 (1) An applicant or any participant in the proceeding in which an
- 13 accommodation request has been denied or granted may seek review of
- 14 a determination made by nonjudicial court personnel within 10 days of
- 15 the date of the response by submitting, in writing, a request for review
- 16 to the presiding judge or designated judicial officer.
- 17
- 18 (2) An applicant or any participant in the proceeding in which an
- 19 accommodation request has been denied or granted may seek review of
- 20 a determination made by a presiding judge or another judicial officer
- 21 within 10 days of the date of the notice of determination by filing a
- 22 petition for extraordinary relief in a court of superior jurisdiction.
- 23

24 **(h) Duration of accommodations**

25

26 The accommodation by the court must be provided for the duration indicated

27 in the response to the request for accommodation and must remain in effect

28 for the period specified. The court may provide an accommodation for an

29 indefinite period of time, for a limited period of time, or for a particular

30 matter or appearance.

31

32 **Chapter 6. Public Access to Court Proceedings**

33

34 **Rule 1.150.980. Photographing, recording, and broadcasting in court**

35

36 **(a) Introduction**

37

38 The judiciary is responsible for ensuring the fair and equal administration of

39 justice. The judiciary adjudicates controversies, both civil and criminal, in

40 accordance with established legal procedures in the calmness and solemnity

41 of the courtroom. Photographing, recording, and broadcasting of courtroom

42 proceedings may be permitted as circumscribed in this rule if executed in a

43 manner that ensures that the fairness and dignity of the proceedings are not

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adversely affected. This rule does not create a presumption for or against granting permission to photograph, record, or broadcast court proceedings.

(b) Definitions

~~For purposes of this rule,~~ As used in this rule:

- (1) “Media coverage” means any photographing, recording, or broadcasting of court proceedings by the media using television, radio, photographic, or recording equipment;
- (2) “Media” or “media agency” means any person or organization engaging in news gathering or reporting and includes any newspaper, radio or television station or network, news service, magazine, trade paper, in-house publication, professional journal, or other news-reporting or news-gathering agency;
- (3) “Court” means the courtroom at issue, the courthouse, and its entrances and exits;
- (4) “Judge” means the judicial officer or officers assigned to or presiding at the proceeding, except as provided in ~~subdivision~~ (e)(1) if no judge has been assigned.
- (5) “Photographing” means recording a likeness, regardless of the method used, including by digital or photographic methods. As used in this rule, photographing does not include drawings or sketchings of the court proceedings.
- (6) “Recording” means the use of any analog or digital device to aurally or visually preserve court proceedings. As used in this rule, recording does not include handwritten notes on the court record, whether by court reporter or by digital or analog preservation.
- (7) “Broadcasting” means a visual or aural transmission or signal, by any method, of the court proceedings, including any electronic transmission or transmission by sound waves.

(c) Photographing, recording, and broadcasting prohibited

Except as provided in this rule, court proceedings may not be photographed, recorded, or broadcast. This rule does not prohibit courts from photographing or videotaping sessions for judicial education or publications and is not

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intended to apply to closed-circuit television broadcasts solely within the courthouse or between court facilities if the broadcasts are controlled by the court and court personnel.

(d) Personal recording devices

The judge may permit inconspicuous personal recording devices to be used by persons in a courtroom to make sound recordings as personal notes of the proceedings. A person proposing to use a recording device must obtain advance permission from the judge ~~in advance~~. The recordings must not be used for any purpose other than as personal notes.

(e) Media coverage

Media coverage may be permitted only on written order of the judge as provided in this subdivision. The judge in his or her discretion may permit, refuse, limit, or terminate media coverage. This rule does not otherwise limit or restrict the right of the media to cover and report court proceedings.

(1) *Request for order*

The media may request an order on *Media Request to Photograph, Record, or Broadcast* (form MC-500). The form must be filed at least five court days before the portion of the proceeding to be covered unless good cause is shown. A completed, proposed order on *Order on Media Request to Permit Coverage* (form MC-510) must be filed with the request. The judge assigned to the proceeding must rule ~~upon~~ on the request. If no judge has been assigned, the request will be submitted to the judge supervising the calendar department, and thereafter be ruled ~~upon~~ on by the judge assigned to the proceeding. The clerk must promptly notify the parties that a request has been filed.

(2) *Hearing on request*

The judge may hold a hearing on the request or may rule on the request without a hearing.

(3) *Factors to be considered by the judge*

In ruling on the request, the judge is to consider the following factors:

- (A) The importance of maintaining public trust and confidence in the judicial system;

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- 1
2 (B) The importance of promoting public access to the judicial
3 system;
4
5 (C) The parties' support of or opposition to the request;
6
7 (D) The nature of the case;
8
9 (E) The privacy rights of all participants in the proceeding, including
10 witnesses, jurors, and victims;
11
12 (F) The effect on any minor who is a party, prospective witness,
13 victim, or other participant in the proceeding;
14
15 (G) The effect on the parties' ability to select a fair and unbiased
16 jury;
17
18 (H) The effect on any ongoing law enforcement activity in the case;
19
20 (I) The effect on any unresolved identification issues;
21
22 (J) The effect on any subsequent proceedings in the case;
23
24 (K) The effect of coverage on the willingness of witnesses to
25 cooperate, including the risk that coverage will engender threats
26 to the health or safety of any witness;
27
28 (L) The effect on excluded witnesses who would have access to the
29 televised testimony of prior witnesses;
30
31 (M) The scope of the coverage and whether partial coverage might
32 unfairly influence or distract the jury;
33
34 (N) The difficulty of jury selection if a mistrial is declared;
35
36 (O) The security and dignity of the court;
37
38 (P) Undue administrative or financial burden to the court or
39 participants;
40
41 (Q) The interference with neighboring courtrooms;
42

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(R) ~~Maintaining~~ The maintenance of the orderly conduct of the proceeding; and

(S) Any other factor the judge deems relevant.

(4) *Order permitting media coverage*

The judge ruling on the request to permit media coverage is not required to make findings or a statement of decision. The order may incorporate any local rule or order of the presiding or supervising judge regulating media activity outside of the courtroom. The judge may condition the order permitting media coverage on the media agency's agreement to pay any increased court-incurred costs resulting from the permitted media coverage (for example, for additional court security or utility service). Each media agency is responsible for ensuring that all its media personnel who cover the court proceeding know and follow the provisions of the court order and this rule.

(5) *Modified order*

The order permitting media coverage may be modified or terminated on the judge's own motion or ~~upon~~ on application to the judge without the necessity of a prior hearing or written findings. Notice of the application and any modification or termination ordered ~~pursuant to~~ under the application must be given to the parties and each media agency permitted by the previous order to cover the proceeding.

(6) *Prohibited coverage*

The judge may not permit media coverage of the following:

(A) Proceedings held in chambers;

(B) Proceedings closed to the public;

(C) Jury selection;

(D) Jurors or spectators; ~~and~~ or

(E) Conferences between an attorney and a client, witness, or aide;₁ between attorneys;₂ or between counsel and the judge at the bench.

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1 (7) *Equipment and personnel*

2
3 The judge may require media agencies to demonstrate that proposed
4 personnel and equipment comply with this rule. The judge may specify
5 the placement of media personnel and equipment to permit reasonable
6 media coverage without disruption of the proceedings.
7

8 (8) *Normal requirements for media coverage of proceedings*

9
10 Unless the judge in his or her discretion orders otherwise, the following
11 ~~rules-requirements shall apply to media coverage of court proceedings:~~

12
13 (A) One television camera and one still photographer will be
14 permitted.
15

16 (B) The equipment used may not produce distracting sound or light.
17 Signal lights or devices to show when equipment is operating
18 may not be visible.
19

20 (C) An order permitting or requiring modification of existing sound
21 or lighting systems is deemed to require that the modifications
22 be installed, maintained, and removed without public expense
23 or disruption of proceedings.
24

25 (D) Microphones and wiring must be unobtrusively located in
26 places approved by the judge and must be operated by one
27 person.
28

29 (E) Operators may not move equipment or enter or leave the
30 courtroom while the court is in session, or otherwise cause a
31 distraction.
32

33 (F) Equipment or clothing must not bear the insignia or marking of
34 a media agency.
35

36 ~~(8)~~ (9) *Media pooling*

37
38 If two or more media agencies of the same type request media coverage
39 of a proceeding, they must file a joint statement of agreed
40 arrangements. If they are unable to agree, the judge may deny media
41 coverage by that type of media agency.
42

43 (f) **Sanctions**

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1
2 Any violation of this rule or an order made under this rule is an unlawful
3 interference with the proceedings of the court and may be the basis for an
4 order terminating media coverage, a citation for contempt of court, or an
5 order imposing monetary or other sanctions as provided by law.